



January 19, 2017

Via ECF and Email to:

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, New York 10007
Email: ALCarterNYSDChambers@nysd.uscourts.gov

Re: *Zunno v. Roomster Corp., Case No. 16-cv-07356 (ALC)*

Dear Judge Carter:

My firm represents Plaintiff Sydney Zunno (“Plaintiff” or “Zunno”) and the alleged class in the above-referenced case. This letter is regarding the pre-motion conference scheduled for January 23, 2017 at 11:30 a.m.

On December 14, 2016, Roomster filed a letter requesting a pre-motion conference regarding its anticipated motion to dismiss. (Dkt. 11.) In its letter, Roomster argued in part that Plaintiff should dismiss Roomster from this action and instead pursue an action against John Doe defendants who actually sent the text messages giving rise to this case.

After meeting and conferring with Roomster’s counsel, Plaintiff agrees with the proposal and wishes to dismiss Roomster without prejudice and file an amended complaint adding John Doe defendants. At that time, Plaintiff will issue third-party subpoenas to uncover the identities of the parties who may be responsible for the messages at issue.

Thus, Plaintiff requests that the Court (1) adjourn the pre-motion conference scheduled for January 23, 2017, and (2) grant Plaintiff until February 6, 2017 to file an amended complaint naming John Doe defendants and to dismiss Roomster without prejudice. Defendant Roomster has no objection to this proposal.

Respectfully submitted,

s/ Patrick H. Peluso
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